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A Thesis Presented

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Racial Adultification and the American Criminal Justice System

A Thesis Presented

By

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Submitted to the College of Graduate Studies

Bridgewater State University

Bridgewater, Massachusetts

In partial fulfillment of the requirements for the Degree of

Masters of Science

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Abstract

African Americans are overrepresented in the criminal justice system and known to experience disadvantages in society because of their race, ethnicity and sometimes gender. With determination to understand the barriers that hinder African Americans from equal opportunities; this thesis explores the disparities against Black boys in the American criminal justice system. This thesis uses a qualitative study approach in which I analyze three historical cases that happened in different eras, George Stinney Jr. (1944), Central Park Five (1989); and Tamir Rice (2014). Each case will demonstrate the denial of Black childhood and Black boys being seen as adults, mistreated and feared by the American criminal justice system. The term adultification can be applied to all three cases in which these Black boys experienced racial bias, being wrongfully convicted and unjustly killed. These denials of due process, mistreatments and executions will illustrate the systematic issues for the Black boys that have been and are still a racial/social issue in America.

Keywords : Adultification, Black boys, American juvenile criminal justice system, racial bias, wrongful convictions, execution

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Chapter One

Introduction

The American criminal justice system seems to have changed in some forms such as practices, laws and policies. However, throughout the evolution of America's criminal justice system, historical evidence shows that the Black population has been severely mistreated and face disadvantages far beyond those faced by whites. The root of this disparity lies in the practice of slavery. These racial inequalities, stemming from slavery, have taken various forms in the modern-day, where Black people are seen and treated differently in America and its criminal justice system. Likewise, racial disparities can also be seen in the American juvenile justice system where there is a disproportionate racial representation that raises questions about fundamental fairness and equality for Black youth, specifically Black boys.

In several cases according to the Sentencing Project, Black boys are treated differently in the comparison to non-Black boys for example, Black boys are more likely to be tried and sentenced to adult prison (Dovidio, 2001). The terms adultification, racial adultification and race-making that will later be defined will show how Black boys are not seen as children in the justice system and how their race determines their punishment. I am using three historical cases that show wrongfully convictions, legal executions, severe punishments and other forms of disparities for Black boys. I chose the cases of

George Stinney Jr. (1944), who was tried as an adult and legally executed at the age of 14. The Central Park Five (1989); where all five boys under 18 were wrongfully convicted for a crime and were later exonerated for proving their innocence. Lastly, Tamir Rice (2014), who was fatally shot and killed at 12-years-old by an officer for playing with a toy gun. My examination of these three historical cases will illustrate that race is the reason for why these Black boys faced the mistreatment that they did.

Chapter Two

Literature Review

Racial Inequalities in Criminal Legal System Today

Racial disparity in the criminal justice system can be defined by the proportion of a racial or ethnic group within the control of the system that begins greater than the proportion of such groups in the general population (Graham, 2004). Reasons for disparities can be varied and can include differing levels of criminal activity, law enforcement practices in particular communities, legislative policies, and/or decision making by criminal justice practitioners who exercise broad discretion in the justice process at one or more stages in the system according to the Sentencing Project. Racial inequality today reflects from deep structural continuities.

What this means is that there is broad and consistent discrimination that Black people face in America and its criminal justice system that has been deep rooted in slavery. The color of one's skin and cultural differences can be considered lesser than and not worthy. The suppressive practice of slavery produced propaganda and social norms that diminished a person's worth based on the color of their skin. After slavery ending by social legislation, it produced residual effects on society and its criminal justice system. White Americans have always had the upper hand in socioeconomics due to lineage, heritage and a bipartisan relationship with opposing classes.

This can be better understood when looking into contemporary inequalities of race, class and gender. According to the Sentencing Project, a disproportionate number of those behind bars are usually Black, poor, males and uneducated (Rovner, 2016).

Scholars have found that 40 percent of state prisoners can't read and 67 percent of prison inmates did not have full-time employment when they were arrested (Rovner, 2016).

Many of those who cannot read but are behind bars usually do not understand nor know their human basic rights. However, that does not mean they are not deserving of rights and are not intelligent.

America is a place where everyone of all race, class and gender has the right to receive proper due process and human basic rights. However, as mentioned, that has not been the case for many years that still lingers into today. Moreover, the incarceration rate among Blacks is seven times that among whites. Black people make up about 12 percent of the general population, but more than half of the prison population (Cole, 2001).

Blacks serve longer sentences, have higher arrest and conviction rates, face higher bail amounts, and are more often the victims of police use of deadly force than white citizens. It was found by Cole (2001) that one in three young Black males between the ages of 20 and 29 are imprisoned, parole or probation and studies also found that these Black males come from poverty (Cole, 2001).

It is vital to note that if incarceration rates continue their current trends, studies show that one in four young Black males born today will serve time in prison during his lifetime (Dovidio, 2001). Meaning, that he will be convicted and sentenced to more than one year of incarceration. According to Cole (2001), for every one Black man who

graduates from college, 100 Black men are arrested. Black men are six times as likely to be incarcerated in comparison to white men.

Likewise, it was also founded by the Sentencing Project that Black males are more likely than white males to be stopped and frisked; and have a higher chance of being arrested during that stop in comparison to their white counterparts. Similarly, when police officers routinely use methods of investigation and interrogation against Blacks and the poor, that same method of investigation and interrogation, could be seen unacceptable if applied to more privileged individuals (Cole, 2001). The consent searches, pretextual traffic stops, and “quality of life” policing is all disproportionately used against Blacks (Cole, 2001). Black males are more likely to be convicted for a crime they may or may not have committed in comparison to their white counterparts and are more likely to face harsher sentences (Sentencing Project).

One of the main reasons of having a criminal justice system is to punish those who break the law, therefore, all social groups should receive the same punishment if breaking any form of the law. However, laws and policies that have been created in the 1600’s and beyond have been created to protect those who are non-Black. Studies have shown that when a white person commits the same crime as a Black person, there is a greater chance that the white individual will face a lesser charge, or face no charges according to the Sentencing Project. This shows that if the laws/policies that were created to protect a certain group do not change or apply to all, racial inequalities in the criminal justice system will continue to grow, which brings me to showcase how the system treats children.

How the System Treats Children in General

The juvenile criminal justice system was created to keep children out of adult prison and to also help influence children to become upstanding citizens (Ward, 2012). Before discussing how children are treated in general, it is important to look at the history of how children were treated years ago and how these treatments look in todays. During the 19th and 20th century, children were seen as uniquely flexible and capable of change, and that society as a whole was responsible for “raising” the next generation to live up to the values of the day. It was believed that children would be able to be shaped and molded to become a great adult citizen of America (Ward pg. 20).

Black communities were excluded from policymaking which hindered Black children, and white voters and white supremacist did everything they could to keep Black youth from receiving any opportunities (Ward, 2012). The reader may question, how does this apply to our todays? Black children face harsher sentences, may be sent to adult prison and are more likely to be disproportionately represented in the system. This is important because studies have shown that children’s brains are not fully developed, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. The development of the juvenile justice system was a direct result of these changing perceptions of childhood. Here is how it happened: the belief became widespread, that a child could be trained in order to ensure that he or she would absorb the correct values and beliefs and grow into a model citizen with the help of the criminal justice system

(Ward pg.21). The criminal justice system also known as the Jim Crow juvenile justice system in this period was an opportunity for white children to have access to great education, work and other resources that will give them a head start in life. The criminal justice system purposely treated Black children very differently from white children. Black youth were excluded from any opportunity, such as education, protection in the courts and becoming a great citizen of America.

Other studies showed that children's underdeveloped brains and have the tendency for impulsive decision-making (Corsaro, 2005). Given these points, this is why children are not allowed to vote, enter into agreements without supervision of an adult present, work in certain industries, get married, join the military, or use alcohol or tobacco products (Corsaro, 2005). These policies recognize that children are impulsive, immature, and lack solid decision-making abilities until they have reached adulthood. Black children are not always seen as children and because of that, in several cases, Black children, mostly boys can be defined by adultification.

Adultification refers to a social, and developmental processes in which youth are prematurely, and often inappropriately, exposed to adult knowledge and assume to have wide-ranging adult roles; and responsibilities (Diaz, 2014). Multiple studies demonstrate that Black children are seen as more adult-like than White children (Santa, 2002). The term adultification can result in the mistaken view that a child does not need the protections that society usually offers children in the United States (Graham & Lowery, 2004). Given these arguments and understanding that all children are immature with decision-making skills, vulnerability to negative influences, and their position within

development is the same across races, when a child faces the same treatment as an adult that can have long lasting mental and psychological issues for that child in their adult years (Harris, 2006).

The misperception that Black children can handle certain things such as severe punishment, being expelled from school and sent to juvenile detention/adult prison; can deprive Black children of their childhood (Santa, 2002). The perception Black children look older, and the sense of their decision-making and brains are somewhat more fully developed because of how they look, seems to indicate that the system does not see Black children and white children the same in many cases (William, 2018). It should be understood that white children also get punished by the criminal justice system, but studies have shown that the punishment for Black children is harsher, specifically Black boys.

How the System Treats Black Children

Given the points above and there is a clear understanding that there is a racial unfairness between Black and white children in the system. Black youth are more likely to be in custody than white youth in every state. For example, in New Jersey, Wisconsin, Montana, Delaware, Connecticut, and Massachusetts, Black youth are at least 10 times as likely to be held in placement as are white youth (Sentencing Project). Likewise, Black youth have a higher rate of being suspended, expelled, and sent to juvenile detention compared to white students. It was stated by (Cottle, Lee, & Heilbrun, 2001) that low

socioeconomic status, poor educational attainment, lack of employment, and disadvantaged neighborhood are among the common factors associated with greater likelihood of involvement in crime.

A significant proportion of Black youth often experience such cumulative disadvantages, which may place them at an increased risk for offending. However, this also does not indicate that only Black or poor people offend and break the law. There is a lack of regard for a Black child status and the impact of early childhood trauma. Black children comprise 58 percent of all children confined in adult prisons and roughly 83 percent of children prosecuted in the adult criminal justice system are racial minorities (William, 2018). Following these statistics, for Black youth from low socioeconomic backgrounds who make up the vast majority of children are being more harm than actually protected by the justice system.

In a broader aspect, the portrayal of poor people, Black children and Black males in the all media platforms also shapes how America and its system sees and treats Black youth. Moreover, the portrayal of how Black youth, practically boys are perceived in the media, perceived by officers, perceived in the courts and so on explains why the denial of Black childhood and racial adultification goes hand in hand. With this being said, the reader will be able to see through the three cases that are chosen; and how Black boys are viewed as older; and less innocent than other non-Black boys in the American criminal justice system.

Chapter Three

Methods

This project uses a historical comparative method to analyze three cases across different historical eras. The historical comparative cases examine Black boys being wrongfully convicted, tried as adults and police killing in the American criminal justice system. Black boys are wrongfully convicted, tried as adults and killed by police officers because of their race and gender. The three cases address different forms of system abuse that shows similar patterns of adultification. I selected the three cases because they all show patterns of the denial of Black childhood. When choosing the cases, I did not necessarily know that I would find that common adultification as the analysis will show, all three cases involve similar patterns or processes of adultification. The three cases are George Stinney Jr., Central Park Five, and Tamir Rice that grows out in the analysis that the denial of Black childhood has been a part of life in America.

When analyzing these cases, although they are all different, these young Black boys were found guilty, convicted and sent to adult prison or executed for crimes they did not commit. Analyzing these cases, we will see Racial Adultification and Race-making; and themes of unfair treatment, harsher punishment, sentences and execution of these boys. As we will see and is discussed below, in these two cases in the George Stinney Jr. and Central Park Five that there was no DNA, no witness, no proper investigation, no representation/guardian, and all white officers, prosecutors, and judges showed that these boys were denied due process and protection. Likewise, in the Tamir Rice case, the term adultification was present. At the time, Tamir Rice was 12-years-old. After being shot and

killed by an officer which will be discussed later, the officer called in back up referring to 12-year-old Tamir as a 20-year-old man. I picked George Stinney because he lived in the Jim Crow era where it was well known that Black children would not have the same opportunities as white children.

Moreover, I picked The Central Park Five case because they lived during the time of the upspring of “War on Drugs”, high crime rates and the phrase Superpredator. Lastly, Tamir Rice because his death coincided with the beginnings of the Black Lives Matter movement that showcased how the system failed to do its job; and failed to protect Black people. Tracing the similarities across these cases which took place in different eras, there is something that is deeper rooted. What does it mean to be Black, and a Black boy in the system? It means being denied of their childhood, even if they had been guilty, they would still be denied their childhood.

These Black boys were made of an example by the system that continues to find ways to control and instill fear in a particular group. All three cases are important and show the importance of how Black boys are not seen as children in the American criminal justice system despite the many changes in policy-making. In order to research the three cases, I looked mostly at secondary sources that summarize what happened and how each era was. In the case of George Stinney Jr., I used the book “Black Child Savers” written by Geoff K. Ward (2012) where he does a fantastic job showing what life looked like for Black people and Black children.

Likewise, Ward and a few scholarly articles that were used to describe the case of George Stinney gathered what little primary sources there are, on the case. Moreover, in the Central Park Five, there are a great deal of sources on this case. There is documentation that exists from documentaries, to books, and scholarly articles. For the Central Park Five case, I collected most of my data from Ken Burns (2013), *The Central Park Five Documentary*. Burns documentary was very informative and could allow the reader to get an actual look at what happened. Central Park Five is one of the biggest historical cases in comparison to the other two cases, where there are a lot of different and reliable sources. In the case of Tamir Rice, I relied more on google search for news reports/articles and less on academic sources because there are not a lot of academic sources. Although Tamir Rice is also a very important case that illustrates how race and adultification applies, Tamir is one of many of Black boys who was a victim of police killing.

In the subsequent sections, I will introduce the first historical case of George Stinney Jr. where the reader will learn how the system was created. Likewise, the reader will also learn about the legal executions of Black people, and how Black children were most vulnerable to that. George Stinney tailed the end of the Great Migration that shifted away from lynching, to Jim Crow criminal justice system. Following the Stinney case, I will then introduce the Central Park Five case which occurred during the middle of the police/prison/crime boom. Juveniles were increasingly treated as adults, tough on crime was getting tougher. These boys were a scapegoat for these moments and high crime rates. Lastly, I will then introduce Tamir Rice where his case was not really a case, but

more of an execution. Tamir Rice was a short yet powerful child. It showed how officers are viewed, treated and protected by the system. While Tamir and his family received no justice, which shows how he was treated and seen as the “threat” he supposedly was.

Tamir Rice showcases racial adultification, and heightens the awareness; and visibility of disproportionate police killings of Black males. Tamir Rice exemplifies the Black Lives Matter movement.

Chapter Four

George Stinney Jr., 1944



The execution of George Stinney came at a moment where the intersections of race and criminal justice were being refashioned under the pressures and shifts of that period of time. Political pressure had been mounting against the persistent practice of lynching. Mobilized most visibly in the North and materialized most specifically through a federal legislative effort to criminalize lynching (allowing federal prosecutors to punish those culpable), this long-stymied effort forced political leaders in the South to adjust how Black people related to the criminal justice system. At face value, the greater incorporation of Black suspects into formal institutions of criminal procedure and justice,

undercut the growing demands of a growing anti-lynching movement that vigilante anti-Black violence be addressed (Ward, 2012).

Rather than eliminating the longstanding practices of Jim Crow system, the silent endorsement of white terrorism increased lynching, lack of Black standing or legal resources in Southern courts. Equally, the widespread increase in state executions where disproportionately Blacks became far more pronounced as lynchings started to diminish. After this shift to more formalized criminal justice procedures, many of these official state executions remained nothing more than thinly veiled lynching's, "Public hangings were often racialized displays intended to deter mob lynching's more than individual crimes" (Equal Justice Initiative 2017: 62).

When the practice of lynching was diminishing, state legal executions was increasing. Legal executions became the new form of lynching and in the case of George Stinney Jr., he was legally executed. George Stinney Jr. was a 14-year-old Black boy who grew up in the poverty-stricken areas of South Carolina. South Carolina was one of many places where African Americans historically experienced a fragile existence, living under the continuous threat of white supremacy. George Stinney Jr. was one of many black children who were victims of the American juvenile system. The case of George Stinney Jr. is unique, in that he became the youngest person documented in America to be legally executed. He was killed by electric chair, a popular trend in the early part of the 20th century that became a new form of lynching. Although Stinney's case was documented, there is limited information on his case, which raises the question of how did he become

a suspect? Why didn't the white authorities at the time feel the need to document any of their process, or what evidence supported the conviction? Did he truly have a fair chance to prove his innocence in court? Or was he doomed to be seen as guilty because of the ingrained association between crime and black skin? Black men and boys were seen as beastly and fit the description of monsters capable of committing a horrendous crime, which justified execution, explicitly when white girls or women were involved (Equal Justice Initiative, 2017).

George Stinney Jr.'s life was very different from that of white youth in the same period. Before his death, George was raised by a hard-working father who worked at the mill. George, being the oldest sibling, followed in his father's footsteps and also worked at the mill (Johnson, H.F., 2017). Although detailed documentation of his life is not available, his family was well-respected in their community. But in the eyes of the criminal justice system, he was just another monster. I think it is imperative to note that no documentation showed how George was even linked to the horrific crime. Stinney was charged for the murder of two white girls. It was stated by Equal Justice Initiative (2017), that these young girls were sadly found beaten to death with a blunt instrument in a ditch that was near the "colored" section.

Once these young white victims' bodies were found, George Stinney was detained and questioned by the police, later confessing to attempting to rape both young girls and then killing them with a railroad spike. Before I go further, let's take a more in-depth look at George. George was 14, a height of 5'1, and weighed around 95 pounds (Johnson, H.F., 2017). He was questioned by white officers for an unknown length of time because there

is no data that tells us. He was uneducated, had no proper counsel or adult with him, and confessed to killing not one but two people who doubled his weight and height. This is thought-provoking because the question is, how can a little boy who is smaller than a regular 14-year-old kill two young girls and have the intelligence to tell the officers exactly how he committed the crime? As I mentioned before, no data proves George Stinney to be the killer, but again, he was a black boy with no resources living in poverty-stricken South Carolina.

Correspondingly, the moment Stinney confessed, the local sheriff transported Stinney to another county to save him for a lynch mob where a mob of whites would kidnap the accuser to take matters in their hands (Johnson, H.F., 2017). On the day of George's trial, more than 1000 white people showed up in a rage, and it was essential to the white community to see justice be served. George did not have anyone by his side and was represented by a court prearranged lawyer with political aspirations that did not have his best interests at heart. George was found guilty before the trial could even begin (Johnson, H.F., 2017). As I stated previously, black children and their community were never protected by the criminal justice system, so what would change on the day of George's trial? His trial took around 3 hours, his lawyer did not file any motions, did not challenge the permissibility of his confession, presented no evidence on his behalf, and lastly, asked few questions when cross-examining the witness. After just 10 minutes of deliberation, the jury of 12 white men found George Stinney Jr. guilty of killing those young, innocent girls and was not offered mercy. The white trial judge had then sentenced Stinney to death by the eclectic chair on June 16, 1944 (Equal Justice Initiative, 2017).

Unfortunately, George's family was affected and had to move out of the state for safety, and George was more alone and scared than ever. George was so small that he could not fit the electric chair and needed books for assistance. After a few failed attempts, finally, when they were able to strap him in an adult electric chair, Stinney's body was shaken after the electricity entered his body, the execution mask fell off, exposing his tear-stained face and he died. No information showed what happened to his family; however, the black community mourns his execution. George Stinney's death was 76 years ago from today. That might seem long ago for many, but not much has changed.

After George's execution by the electric chair, more young Black children (boys) were still at high risk of being imprisoned or killed in the criminal justice system. In result to these legal executions of Black children, Black civic leaders, the civil rights movement, Brown vs. The Board, the NAACP and more had influenced the many changes for the Black community and the people. Blacks had gained equal rights under the law in the United States; the civil rights movement gained momentum when the United States Supreme Court made segregation illegal in public schools. Likewise, the suppression for Blacks to vote, discriminatory employment and housing practices ended by law.

Up to the present time, Black people, Black communities and Black children were now being seen as humans by law, more opportunities for Blacks to become resources for their Black communities. With the movements that were taking place, it seemed like the systematic issues in the American justice system was changing. George Stinney Jr. was

one of the many innocents that he and his loved one's will never know of his innocence. It took 70 years to exonerate Stinney for the brutal killings that took place in 1944. In the year of 2014, a South Carolina Judge named Carmen Millen had overturned Stinney believing that there was flawed credible evidence of guilt (Johnson, H.F., 2017). Judge Carmen Millen also suggested that there was a possibility that Stinney's confession was coerced and witnesses who were against or for George Stinney Jr. are now possibly dead. Stinney was an unfortunate event that will forever be in our history and although he will never know of his true innocence, now we all know of his innocence (Equal Justice Initiative, 2017).

The systemic denial of Black childhood

The case of George Stinney Jr. illustrates the systemic denial of Black childhood showing how Black children were not given the same opportunities and fairness as white children. Understanding that 1944 looked different for Blacks and Black children in contrast to today, the system denied George Stinney due process and failed to protect him. Stinney who was the known to be youngest to be legally executed for a crime that he did not do, and has no evidence or connection to him is only treated differently from many similar executions because it was documented. Although Stinney case was documented, there is missing information that could have been helpful but because there is limited data, Stinney was legally killed like many other Black children during that era despite being innocent or not. The problem was that that his life did not matter because two white children were killed and someone had to pay for that and unfortunately, Stinney was the scapegoat for the crime and set as an example that Blacks and Black children would still

need to be put in place but legally. Stinney, just like many Black children were not given the fair opportunity to have any chance as a child living during those times where Jim Crow laws only favored white people, white children and white communities.

Mistreatment that shape/reproduce ideas and practices about race

The mistreatment of George Stinney helped shape and reproduce the ideas and practices towards race by finding others systematic ways to control and punish blacks and their communities. Although lynching ended as noted, legal executions began. Stinney was just another Black boy who was seen and tried as an adult. He was an example of what racial adultification. With the details and data that I showcase, you learned that there was nothing connecting him to killing the two white girls, yet it seemed like the system at the time wanted to make a statement and re-install fear in Blacks. Yes, white people were legally executed and punished but in contrast to Black and Black children, there is no comparison and that is showing how the relationship of race and the system has a gap.

Relationship between Black children, the criminal justice system

The relationship between Black children like George Stinney and the criminal justice system shows a broader structure of racial inequality because throughout the years, as the criminal justice system has changed written practices, it doesn't stop the action that is being done. George Stinney trial took less than a few hours, and was later executed. Stinney never had a fair chance because he was Black and because he was

Black, a Black boy; he was legally killed. Although Stinney's execution seems ancient, 45 years later, the Central Park Five case illustrates a similar theme for Black boys in the American criminal justice system.

Chapter Five

Central Park Five, 1989



New York in the late 1980's had two parts. One part of New York had an increase in wealth that began to flourish, while another part of New York had drug gangsters, crack that was booming and poor communities that were suffering. The uprising of crack increased the high rate of crimes, following with youths having money and guns. Gang wars and drug wars were to blame for all the crimes that were occurring in New York by youth. DiIulio proposed that youth would have absolutely no respect for human life and no sense of the future who will be brutally remorseless, murder, assault, rob, burglarize, deal deadly drugs, join gangs, and create serious disorders. DiIulio

created and popularized the term “Superpredators” to refer to youth. At this point, it seems like DiIulio’s myth super-predator was becoming a reality because there was a good percentage of youth, majority boys, that were committing or victims of crimes in New York. What followed from this was fear to the point of panic, demands for (specifically Black and Brown) children to be seen as less than human (unable to be rehabilitated) and tried as adults.

Super-predators: The Construction of Black Youth as Violent, Animalistic Threat

Three decades ago, America was facing the frightening predictions of juvenile violence. There were a few popular terms used to define juveniles in the early 1990’s such as “juvenile super-predator”, “coming blood bath” and “crime time bomb”. These terms were suggesting that the nation was going to soon be filled with a growing generation of youth violence. Certainly, America did experience the growing rate of juvenile violence during the 1980’s and 1990’s. Most of juvenile crimes comprised murder, rape, robbery and aggravated assault. By the early 1990’s, the uprising of violent juvenile crime caught the attention of America’s policymakers, news media and the general public. As a result of this extreme terror, almost every state in the country launched a new juvenile justice reform that had proposed tougher sentences and the use of adult court. It was stated that the juvenile justice system was widely criticized for being soft towards juveniles (Becker, 2001). Though this may be the indication, when indicating that the American juvenile justice system was soft towards punishing juveniles, Black juveniles do not receive such treatment. As history shows, white

children received lesser harsh punishments if punished and better treatment by the criminal justice system in comparison to non-white children.

Yet, youth crime was rising, and Black children who come from inner-city communities were going to be more targeted because they were supposedly the true example of the “Bestial Black Man” who needs to be controlled. The “Bestial Black Man” is a term that was used to explain the correlation between Black people and animals, further explaining that black people are the offspring of apes. Although the “Bestial Black Man” is a myth, the American culture believed that black men are animalistic, sexually unrestrained, inherently criminal and ultimately determined on rape (Duru, 2005). With this belief that goes as far as the 1600’s, black men and boys have always been seen as a threat to society and blamed for the cause for many crimes.

This is interesting because the term “Bestial Black Man” that was used for many years for black people especially black males, can now be seen as the new term “Super-Predator” that has created many other terms to describe youth, but mainly Black boys. “Super-Predator” and new terms that later developed were applied to these boys. I want to highlight the term super-predator because that term was the more modern term to use and with the advertisement of DiIulio; that resulted for juveniles to receive life without parole. In addition, trying 13 and 14-year-olds as adults, Stop & Frisking, and other constitutionally questionable ‘quality of life’ policing practices.

Super-Predator

The term super-predator was a term that was created by a professor of politics and public affairs on the political science faculty at Princeton University, John DiIulio.

DiIulio created and popularized the super-predator concept in order to call for the public to be aware and bring the alarming attention to what he characterized as a “new breed” of offenders. He was indicating that youth were dangerous and would spark up the level of crime being done and that these super-predator youth would have absolutely no respect for human life and no sense of the future (Bernard, 1992). DiIulio's perspectives and beliefs did not only terrify American citizens, but challenged the criminal justice system on how they would follow protocols with troubled kids.

DiIulio based this super-predator myth on research that was done by James Fox, and exaggerated youth violence news stories (Patton, 2019). Fox (1996) found that the Homicide Report data that he collected would increase 172 percent in juvenile murders and crimes between the ages 14-years old to 17-year-olds. In result to this myth, the most affected youths were black males who come from stricken poor communities where at the time there was the uprising of war on drugs. The criminal justice system needed to reinforce their practice and policies to control what DiIulio proposed how the future would look with the out of control upcoming youth. Likewise, by doing so, the criminal justice system accordingly used the central park five boys as an example and scapegoat for the crimes that were rising. The central park five boys were the true example of the definition of the “Bestial Black Man” and “Super-Predator” in the eyes of America and the American criminal justice system.

As I mentioned, the part of New York that was poor and “dangerous”, that part also does not have good schools, good housing, job opportunities, and single-parent homes. This is not to say that all youth that come from these communities are the future for all crime but with the perception that youth are super-predators, kids from these poor communities would not be given a pat on a shoulder if and when they enter the criminal justice system. Meaning, the assumption that all youth, especially Black boys who are fatherless, jobless and as radically impulsive according to DiIulio super-predator myth, there is no future for them to become an upstanding American citizen. Inner city youth (boys) were already labeled as the bestial Black man and super-predator that even if innocent of a crime, they were already guilty. Which now leads me to the case of the central park five boys.

On the night where a white female jogger was severely beaten and raped in New York City Central Park. Kevin Richardson 14-years-old, Raymond Santana 14-years-old, Antron McCray 15-years- old, Yusef Salaam 15- years-old, and Korey Wise 16-years-old; were accused and convicted of this vicious crime. On that night, around 25 youth (boys) headed to the central park to have fun and do what kids around the age of 14 and 15 would do. There were some kids that behaved badly by throwing rocks at cars, harassing and beating other civilians at the park that night. On the other hand, there were other youth boys who were there to listen to music and do their own thing (Burns, 2013). Kevin, Raymond, Antron, Yusef and Korey were part of the youth who did not commit any crimes that night. When the five boys saw how things were getting out of control and cops were soon present, they left, following other youth. However, Kevin and Raymond

did not leave just yet and were eventually detained that night for the disturbance that night. I do want to mention that only two of the five boys, Yusef and Korey were friends.

Kevin and Raymond were initially detained for the complaints of harassing and beatings of other civilians and before they were released, a woman was found in Central Park, that night who looked virtually dead. At that moment everything shifted for Kevin, Raymond and the next day Antron, Yusef and Korey. There is no documentation that shows and says how the police officers got a list of names and addresses for Antron, and Yusef and other boys to be questioned and later detained. It is essential to note that Korey's name was not on the list but being Yusef's friend, he went with him for support. Later that day, the boys who thought they were detained for the madness that the other youth were causing would soon realize that they would become the suspects in the rape of the woman jogger (Burns, 2013).

The five boys were rounded up, aggressively interrogated, and abused for hours by the NYPD, resulting in forced and false confessions that got all five convicted. Their lives completely changed in a matter of moments. There were certain terms or protocol tactics that the officers would use such as saying things like "you will go home if you say this", "I know you're a good boy, but the other boys are saying you raped and beat that woman". In addition, the officers would then hit, yell and threaten these boys and eventually they gave in. It is important to note that these are boys, ages 14-16 who had never been arrested, no parents or guardian or lawyer present, they were aggressively interrogated for 14 to 40 hours with no sleep or food. At that time these boys were emotionally drained. Imagine you were a 14 or 15-year-old and being accused, beaten,

starved, tired and alone in a room with men triple your size? That is a hard picture because I am pretty sure many kids that age who do not have the proper support or representation would also do anything so they could go home (Burns, 2013).

When all five boys' confession was written and videotaped, the media/newspapers, the Governor of New York, politicians, and Trump made it their duty that these boys would be severely punished and put away. With powerful people and influence against these boys, they city turned their back on them and the criminal justice system would have their way with them. The central park five boys would not only be the example of the criminal justice severely punished out of control youth, but the boys will also be the scapegoat to show how good NYPD officers are when finding and putting the "bad guys" away. Although there was no DNA match, no blood, no witnesses, the boys were convicted based on their coerced confession. The five boys who once loved playing neighborhood games like hide and go seek, dancing, playing sports like baseball and basketball, listening to music, watching MTV rap videos, making jokes, going to school, trying to find themselves in their disorganized community were now convicted of a crime they did not commit. The five boys were now seen and known as: The Wilding, a slang word for going berserk, Wolf Pack, Thugs, Mutants, Savages, Disease, Animals. These terms used for these boys is the definition of the "Beastial Black Man" that I mentioned previously (Burns, 2013).

At this moment, I want to share a few quotes that I retrieved when watching the Ken Burns documentary that had some very powerful people who wanted to be a part of putting the boys away. A quote from New York's Mayor Koch "This is an ultimate alarm,

none of us are safe. This will be the test of the system”. A quote from Donald Trump “You better believe that I hate the people that took this girl and raped her brutally. You better believe it”. Donald Trump also put money in an ad that was on the front page of four huge NYC newspapers that said “Bring Back the Death Penalty”. Patrick J. Buchanan Quotes “If the eldest of the pack were tried, convicted and hanged, the park would be safe again for women”. The media/newspapers did an astonishing job promoting all of this that in the black communities, people were scared of their own black children. The black community were experiencing harassment, rape, burglarizing, and beaten by young black men but that was rarely if ever a concern or newsworthy. Nonetheless, when it’s interracial violence, especially when the victim is white, that changes everything (Duru, 2005).

The jogging victim, Trisha Meli who was known as the Golden Girl was a 28-year-old at the time of the crime. She worked as an investment banker on wall street and came from a loving family. Meli always took a run at the Central Park at night as part of her routine. Approximately around 9:45pm, she was raped and beaten. As a result, she lost a lot of blood and body fluids, was told she may never be able to walk again, was in a coma for months that also resulted in her loss of memory and details on her attack. When she was asked to court, she could barely walk. She didn’t need to remember the details of her being attacked, because she was seen as a miracle, her presence alone was enough for the jury and others to find the boys guilty. What happened to Trisha Meli is a very unfortunate and sad story. Her life has changed forever because of that night. However,

she is a true miracle and is doing well for herself.

The Boys Conviction

The written and video confession of Antron, and Raymond, and the lack of a proper lawyer for Yusef who did not confess to anything was enough to find them guilty. Also, Trisha Meli's presence made the sentencing for these boys harsher. Antron, Raymond and Yusef being under the age of 16-years-old were sentenced to five to ten years. They were found guilty for (1.) Attempted Murder (2.) Rape in the 1st Degree (3.) Sodomy in the 1st Degree (4.) Sexual Abuse in the 1st Degree (5.) Two Counts of Assault in the 1st Degree (6.) Riots in the 1st Degree; and (7.) the Rape and assault of Trisha Meli. In the following, on December 11, 1990, Kevin who was then 16 and Korey who was then 18 were tried and found guilty. Kevin was sentenced five to ten years but because Korey was now considered an adult, he was sentenced to five to fifteen years. Antron, Kevin, Yusef and Raymond each served around seven years after being provisionally released. Unfortunately, Korey was still in jail and had already served thirteen years until a miracle happened (Burns, 2013).

The Confession of The East Side Rapist

A man named Matias Reyes known as the east side rapist was convicted in 1989 for raping women. At the time of his arrest, the same detectives and officers working on his case were also working on the central park five case. The same detectives had the DNA for all five boys and Matias Reyes. Matias Reyes, who was known for harassing and raping women was never a suspect for the jogger rape/beating. In the year 2001,

Matias Reyes and Korey Wise were both serving time in the Auburn Prison. After Matias Reyes realized that Korey Wise was still in prison, he started to feel guilty. That same year, Matias Reyes confesses to the rape, beating and attempted murder of Trisha Meli. Not only did he give extreme details of the crime, but his DNA was a match, while the central park boys were never a match.

The Exonerated Five

In 2002, the boy's known as the Wilding and the central park five were now exonerated. In the year 2003, after being vacated, the exonerated five filed a civil right lawsuit against the city of New York and the police/prosecutors. In the year 2014, the exonerated five men won their long and hard settlement of 41 million dollars. Sure, there are some immoral kids in this world. However, to assume that all youth who have the same race and come from similar backgrounds are the same only demonstrates how muddled, racist, cruel, biased, unprofessional, and small minded the criminal justice is. Unfortunately, for many black and brown boys like George Stinney, they will never be able to see the light of day and know that they were wrongfully convicted.

Unfortunately, for all five boys who are now men, they were not able to have a real childhood. The five men had to grow up fast and even though they are now, they will never be able to get back their childhood. For too many years we have seen and learned that Black youth, Black boys' lives did not matter because they were never seen as children. They were never given the fair chance to succeed, dating back to slavery.

However, up into the present year of 2014, that year seemed like a true march of justice and fairness for black people, for that, the Exonerated Five was finally given that.

However, it does not compare to the loss of their childhood.

The systemic denial of Black childhood

The Central Park Five case illustrates that the systemic denial of Black childhood has not changed much in comparison to the George Stinney Jr. case that took place in the 20th century. In the case of these five Black boys, not only were they not seen as children but seen and some tried as adults. In addition, they were also perceived as, “Superpredators”, “Beastial Black Man”, “Wildings”, animals; and savages. Although in their case, you learned that there is no connection or evidence tying them to the sad crime, they were still found guilty. What really found these boys guilty were the color of their skin and their gender. Knowing that there was an investigation, there was evidence that showed their innocence, these boys were denied any protection. Likewise, they were denied and lost their childhood because they were Black, poor and not fully mature enough to understand their own rights.

Mistreatment that shape/reproduce ideas and practices about race

The mistreatment of the Central Park Five reproduced the idea of how Black boys will be seen, tried and sentenced as adults despite being innocent or not. These innocent boys who were not fully developed mentally, and physically have endured long term issues that carry on into their adult life. The perception that Black children are seen as

more adult like indicates them to endure more mistreatment. The continuous theme that shapes how race is seen, demonstrates if you fit the description of a certain group, that will determine one's outcome. In result to that, if those in the system such as officers, judges and those in power continue to view Blacks a certain way, race will continue to be the reason why Blacks are mistreated.

Relationship between Black children, the criminal justice system

The relationship between Black children like the Central Park Five boys and the criminal justice system exemplifies that Black children are not protected by the American criminal justice system. The system continues to fail and not protect Black children. Black boys are still more likely to be tried and sent to adult prison in comparison to White boys. Black boys are still seen as a threat and animalistic. Black males of all ages are more likely to be shot and killed by an officer in comparison to White males. This is not my opinion, this is a fact and in the following chapter, I will introduce the case of Tamir Rice. Tamir Rice exemplifies race-making and adultification in the shortest, yet important way.

Chapter Six

Tamir Rice, 2014



In the year of 2014, 70 years after George Stinney Jr. execution, and 25 years after the Central Park Five wrongful conviction, a young Black boy was shot and killed. This young Black boy was Tamir Rice. Tamir Rice's case is a little different in comparison to the other two cases for this project. Tamir Rice's case was a short one because he was executed within seconds, but still important and relevant for the purpose of this project. Tamir Rice, a 12-year old Black boy, was killed in Cleveland, Ohio by Timothy Loehmann, a 26-year-old police officer (Dewan, 2015). Tamir Rice before his death was in a park with friends playing with a life-like toy gun. According to Dewan (2015), there was a caller that identified Rice as a "a guy in here with a pistol". It was also stated that the caller also noted to responding officers that the gun was probably

“fake” and that it was “probably a juvenile” (Dewan, 2015). According to Dewan, the officers relayed the message as a “Code 1”, which is the department’s highest level of urgency. Although the officers were not relayed with the complete detailed information, that still does not excuse what happens next. The officers that approached the park where 12-year-old Tamir Rice was playing got out of the car and within seconds fired two shots, that killed Tamir Rice. Although Tamir Rice showed no threat to the officer verbally or physically, the officer who could have warned Rice to raise his hands, did not give Rice the chance to do so. Minutes later, Tamir’s 14-year-old sister came running up minutes later, where both the officers, tackling her to the ground and put her in handcuffs (Dewan, 2015). It is imperative to note that a 12-year-old boy who was just killed by an officer and a concerned sister who was only 14-years-old at the time was not handled with care when arriving at the scene but instead restrained after seeing her dead brother on the ground. It was stated that the officer described Tamir Rice as a “Black male, maybe 20, black revolver, black handgun by him”. Tamir Rice was 5’7, weight 191 pounds. He wasn’t seen as a little boy, he was seen as a boy in a man’s body. Like many Black children, Tamir Rice was robbed of his childhood because he was a victim of racialized adultification. Racialization: “is when your race is often seen as a social category that is either objective or illusory. When viewed as an objective matter, race is usually understood as rooted in biological differences, ranging from such familiar markers as skin color, hair texture, or eye shape. When viewed as an illusion, race is usually understood as an ideological construct, something that masks a more fundamental material distinction or axis of identity: three paradigms of ethnicity, class, and nation

typify such approaches” (Michael Omi & Howard Winant, 2015). The officer did not see Rice as a child playing, the officer viewed Rice as an illusion where Tamir was seen one way; such as an adult man. The officer was seen as doing his job by the American criminal justice system because he was not charged for anything. Rice’s life was short lived and never given a fair chance because of how he was perceived. He was a child who was mistaken as an adult, but even if an adult, that does not mean he should not receive the opportunity to put his hands up and drop his “toy gun”. Rice is an example of the term racial adultification, and adultification that can better be understood when analyzing his case that will later be discussed.

The systemic denial of black childhood

The case of Rice illustrates that Black boys, as young as 12 are not only a threat but are seen as mean. Tamir who was just like many young boys his age, playing with a toy gun, and was killed for that. Tamir was denied his constitutional rights, he was denied warnings, he was denied protection, he was denied seeing his adult years. Today, Tamir Rice would be 18-years-old. But instead, he is dead and the officer who failed to do proper protocols was seen as doing his job. This is a true example of being Black, a Black boy and dying because he was Black.

Mistreatment that shape/reproduce ideas and practices about race

Tamir Rice is no different from other Black children where there is this illusion of how these boys are seen, tried or executed by the very same system that is meant to protect them. Black people have always been seen with undue suspicion of criminality.

Particularly Black men that have always been stereotyped and seen as preternaturally violent. Black boys have consistently also been projected as being a violent threat. The denial of childhood and due process complemented with unwarranted violence, has been a thread that weaves through American history connecting George Stinney Jr. to the Central Park Five to Tamir Rice playing a park.

Relationship between Black children, the criminal justice system

Moreover, Tamir Rice being shot and killed by a White officer who says Tamir was a threat and not being charged is saying his life does not matter. This officer who is meant to protect and serve killed an innocent boy and in result to that, the same officer was the one who was protected by the system. The idea that he is a threat and was not seen as a child excuses the officer for doing his “job”. Although the officer was known to be emotionally unstable and his job being aware of that, his killing of Tamir Rice was found reasonable under the circumstances. 12-year-old Tamir Rice's family is now, son-less, brother-less, and this year, 2020; he would have been a high school graduate. Tamir Rice is the true definition of a child who was robbed of his childhood and not protected by the criminal justice system. In other words, the perceived innocence of Black children age 10 to13 is equivalent to that of non-Black children age 14 to17, and the perceived innocence of Black children age 14 to17 was equivalent to that of non-Black adults age 18 to 21 (Dovidio, 2001). This provides evidence that Black children are more likely to be seen as similar to adults prematurely and 12-year-old Tamir Rice displays that.

Chapter Seven

Analysis

Race-making

Race is a concept that signifies and symbolizes social conflicts and interests by referring to different type of human and how they are seen or treated. According to Michael Omi & Howard Winant (2015), race is a way of “making up people” that can also be understood as grouping; and classifying people. When defining racial groups, that can arise confusion, contradiction, and unintended consequences for certain people, judging someone based on their race can have and has shown consequences, particularly for Black people in the justice system . Race-making can also be understood by viewing a certain group of “othering” which can define groups of people as “other” which is not only focused on race. Othering can also be applied to gender, class, sexuality, religion, culture, language, nationality, and age. Often “othering” will justify structures of inequality, differential treatment, lower status, and in some cases violent conflict and war (Michael Omi & Howard Winant, 2015). Classifying people or “making people up” is a basic way of navigating the world, for example rich vs. poor, power vs. weak; and White vs. Black people. When categorizing people and assigning different attributes to categories, being categorized can subject and has subjected a massive disparity over historical time.

State-sanctioned violence against these Black children was enacted, in large part because of their race. From racially unfair trials and disproportionate punishment such as

George Stinney and the Central Park Five boys to lethal force used without warning or hesitation against a boy playing in a park; Tamir Rice. It is vital to note how race shaped how these boys were seen and understood by the criminal justice system in ways that costs them all severely and the denial of childhood. All three of these cases fit within a longer lineage of racial differential treatment within the criminal justice system, illustrating and reflecting a broader pattern of racial inequity in the wider society over a long period of time. After the dehumanization and almost totalizing othering of the long period of racial enslavement, Black citizens interactions with the criminal justice system were defined by a century of differential rights and treatment under Jim Crow defined by convict leasing, unregulated white vigilante violence and no real legal standing in courtrooms. Institutional patterns of differential treatment of different racial groups both help to explain why these boys were treated as they were. The visibility of their harsh mistreatment helps to reproduce these racial inequities in the future.

Race and the CJ System

The denial of basic human rights for Black citizens and how the interactions with the criminal justice system was defined by a century of differential rights that took place during the Jim Crow era that is still lingers. The aftereffect of that shaped convict leasing, unregulated white vigilante violence and no real legal standing in courtrooms or civil society towards Blacks. With the overlapping of these patterns of political and economic exclusion, racialized violence; a second-class citizenship was deep-seated in the fabric of American society. The case of George Stinney, towards the end of the Jim Crow era, highlights a shift from lynching to racially-disproportionate state executions, quite

arguably a shift in the manner but not the function of anti-Black violence with a more overt and direct state sanction. Even after the Civil Rights Act and Voting Rights Act, racially-disproportionate policing and incarceration created a new set of criminalized fears, rationalized policies and legal justifications for the Central Park 5 and Tamir Rice, in an American society still greatly defined by racialized economic and political inequality.

Racial Adultification

Pre-existing stereotypes of race and gender contributed to all of these boys being seen and treated as adults. The over-riding implicit biases and overt assumptions about Black men in American society, that help lead to their regular mistreatment and disproportionate punishment (from racial profiling to sentencing inequality to biases against formerly incarcerated Black men) has had a persistent lingering effect on Black boys. Whether due to more easily fitting the racialized profile of a perceived violent threat such as Central Park Five boys and Tamir Rice. Equally, befalling racially discriminate harsh adult punishments, such as George Stinney, and Central Park Five boys who endured racial adultification in the criminal justice system. Unfairly, the criminal justice system sees Black boys as violent threats, erasing or nullifying their status as children, due to the overriding criminalizing stigma of race. Racial adultification contributed to George Stinney, the Central Park Five boys; and Tamir Rice to face treatment based more on the desire to punish them based on the (racialized) perceived threats they posed, rather than as the children that they were, alongside the accompanying

salvageability that their youth would typically afford them if they were white.

For instance, the case of George Stinney is an example of racial adultification. I gave you the story and pieces, I gave you the terms and elements of how black children are seen and treated because they are Black; and because they are Black they are treated more harshly. Stinney was tried as an adult, which illustrated the combination of all failures of due process. The failure of due process in his case has a lot to do with race and race had to do with why he was legally executed. There should be a clear understanding that George Stinney was executed for being accused of murdering two White girls. However, there was no DNA, no witness, no proper representation, all White prejudice officers, prosecutors, jury, judge, lawyers and supporters. Likewise, there was no investigation and no protection for him. Something is not right when cross examining this case because there is no proof that this 14-year-old boy committed such a heinous crime.

Yet, he was tried and seen as an adult but this is the same boy who could not fit the electric chair and needed a few books for assistance to execute him. There is no assumption that race played a part, it is a fact that race played an enormous part. Throughout these years, the relationship between racism in the criminal justice system and how Black children are given severe treatment proves that. The criminal justice system treating Black children as adults shows the disproportion of Black children being seen as adults. Meaning, the power that the dominant group had against “others” such as Blacks had so much influence that it was easy to look at Stinney and see what they see, “a monstrous Black man”.

Ward (2012), argues that executions of Black youth was influenced by a dominant group that formed a disparity after the Progressive Era where juvenile court communities were established. Meaning, legal executions would truly affect Black youth and Black communities; and that would illustrate the limitations Black youth would have in the juvenile courtroom. The dominant group (whites) influenced a long-lasting impact of the decision-making that would disregard Black children welfare (pg. 116). Ward also argues that the patterns of executions and Jim Crow juvenile system revealed the relation between race, youth and social control. It was documented that there were nearly 70 percent youth executions that involved Blacks (Ward, 2012, pg.116). For an example, (*Table 4.2) Race and youth executions by the juvenile justice system periods:* shows that in the years 1865 to 1959, the total of Black youth execution was 224, With youth was a total of 84 and other was a total of 23 (Ward, 2012, pg. 117). This goes to show you that it is bigger than a White and Black thing because Whites and others have been executed, nonetheless, Black children still have a greater execution number.

Keep in mind that this is what was documented during/before the 1940's; and that there is not a lot of data or documented executions that may have occurred. George Stinney was one of many Black children to legally be executed and documented, however he was the first to legally be executed for a crime he did not commit. George Stinney execution was a way to redirect and instill fear in Blacks and their communities just like when lynching was a form of practicing that fear. The criminal justice system, being part of the dominant group, showed who is in power and what can be done if ever crossing the line. Legal executions became the form of lynching that has shaped the way the criminal justice system treat and see Black children and their communities throughout the years.

Keep in mind, it took 70 years to exonerate George Stinney Jr. and yet, there are still injustices that are happening because of a certain group's race and gender.

It important to note that lynching was supplanted by legal execution which Black children would be most vulnerable to. Although legal executions for children were later discontinued, the mistreated and harsh punishments for Black youth was not, and continued to increase throughout the years in the criminal justice system. For example, the Central Park Five, where these five Black boys were also an example of racial adultification. There seems to be a theme of injustice, and inequality in the justice system that is happening toward Black youth. The Central Park Five case was one of the biggest historical cases in America, that has very similar themes just like the George Stinney Jr. case. However, the only fortunate thing is that these five boys did not face a legal execution but did lose many things such as their childhood. The failure of due process in this case has a lot to do with race and race had to do with why these boys were seen, tried and punished as adults. I gave you the story and pieces of this case and why there was also a combination of failures of due process.

There was actual proof that these five boys did not commit the crime they were accused of, yet being Black, poor and fitting the description of the "Beastial Black man/Superpredator", they were found guilty. It is fundamental to note that this case took place around the time where crime was at its highest in New York City and terrible things happened. Nonetheless, these boys were a racial scapegoat and publicized case that had a lot of attention. There was this perception that crime was only happening in Black communities because of the portrayal the news media was setting. Youth, specifically (Black boys) were seen as uprising superpredators that created fear in America that

resulted in the wrongful conviction of these boys.

These five boys were accused of raping and attempted murder of a White woman. Although there was no DNA, the victim could not recall who her attacker was (which means no witness), no proper investigation, no representation/guardian, all white: officer's prosecutors, judge, and influential/powerful supporters. It is important to note that midway through their trials, the prosecutors knew they had the wrong boys because they received DNA and it did not match any of these boys. Yet, they still tried these boys, not only as juveniles but as adults and used them as an example as a racial scapegoat for all the crime that was happening. Meaning, these boys who were all under 18, at the time would have to go to juvenile detention and for the ones such as Korey Wise who turned 18 would be sent to adult prison.

Again, they did not have proper representation, no guardian present, poor, couldn't afford good lawyers, denied due process, bullied by grown men officers for hours, no food, denied sleep and scared to death. I'm sure, even as an adult, if you experienced that treatment; and did not know your rights; you may have been in the same position. There are too many pieces that show these boys are innocent. To say race did not play a part, to say these boys were not seen as men is false because these boys were Black, they were men and because they were perceived as "Black men" they were found guilty despite the truth.

Let's put in perspective, where there are five White boys who are accused of the same exact crime and the prosecutors later finding out their DNA was not a match, and they had the wrong boys, knowing what they know; the White boys would be set free. However, because the CP5 boys were not white, come from poverty communities where

a lot of crime was happening; seen as men, did not know their rights; these boys were guilty. The justice system did not do its job and not only denied due process, but denied these children the equal protection under law. It proposes that the prosecutors knowing what they knew, had too much to gain from putting these innocent boys away. The pressure of the media, newspapers, powerful influences like Donald Trump, NYC governor believed the dominant group (prosecutors) who perceived these boys as adults, animalistic, monstrous, wilding and fitting the description of the Superpredators.

These five boys were just another group of Black boys where the prosecutors knew the criminal justice system did not care about nor would protect. The criminal justice system failed these boys and it took the year 2014 to exonerate them because the actual person who is guilty of this crime admitted to it. According to Bernstein (2014), Black youth are 4.5 times more likely and Latino youth 2.3 times more likely than White youth to be detained for the same offense. Likewise, when charges are filed, White youth are more likely to be placed on probation, while Black youth are more likely to be behind bars. Bernstein states that Black children comprise 17 percent of the overall youth population, 30 percent of those are arrested and 62 percent are prosecuted in the adult criminal system (pg. 60).

In both George Stinney and Central Park Five cases, the themes are very similar. Black poor boys, who did not know their rights, no due process, no protection by the state, no legal guardian present, tried, and sentenced as an adult. As mentioned above, the pre-existing stereotypes of race and gender contributed to all of these boys being seen and treated as adults. The overriding implicit biases and overt assumptions about Black men in American society, that help lead to their regular mistreatment and disproportionate

punishment (from racial profiling to sentencing inequality to biases against formerly incarcerated Black men) has had a persistent lingering effect on Black boys such as Stinney and the CP5. In both cases, you have learned that these boys were all innocent because again, there was nothing to prove or connect them to the crime they were accused of doing.

This is because the continue of racial differential treatment within the criminal justice system, that has and continues to illustrate a pattern of racial inequity. Again, the dehumanization and almost totalizing othering of the long period of racial enslavement, Black citizens interactions with the criminal justice system were defined by a century of differential rights and treatment under Jim Crow law where Blacks will not have the same legal standing in courtrooms. Although Jim Crow laws have ended because of the civil rights movements, Blacks and the youth continue to face racial injustice by the system.

In the case of Tamir Rice who was 12-years-old playing with a life like toy gun was shot dead by a White police officer who saw him as a threat. However, the police officer who shot and killed Tamir did not follow protocol because if he did; why would he need to shoot to kill within seconds of arriving at the scene? There was no warning, no saying “hands up”, just shoot and kill another Black boy. Tamir’s case is different from the other two cases because he did not really have a case, he was perceived as a 20-year-old man who fit the description of the “Beastial Black man”.

That pre-existing stereotype of race and gender contributed to his death. Race shaped how Tamir were seen and understood by not only the officer who shot and killed him but by the criminal justice system, in ways that cost the denial of his childhood.

Tamir's death was seen as a regular protocol and till this day, the officer responsible still has his job. Tamir Rice is the true definition of both race-making and racial adultification. He was robbed his childhood, he was not protected, he was seen as a threat and that cost him his life. The color of his skin allowed an officer to see a 12-year-old boy as a 20-year-old man. But does that mean hypothetically he was a Black man that he deserved to die, because there are several cases where an actual White male who had a weapon still lives today.

Whether a Black boy, or a Black person; that should not mean you deserve harsher treatment but unfortunately, because of how the system has been set up, the continuous of seeing Blacks (males) as a threat shows that race, and gender will place you in "othering". Tamir Rice illustrates how the American criminal justice system fails to protect Black people and Black children and has been doing so for the past 400 years ago. This theme of unfair treatment, harsher punishment/sentences, Black boys being tried or killed as adults results in the contiguous injustices Black people, Black communities; and the vulnerable Black children continue to endure.

Chapter Eight

Discussion/Conclusion

The findings of this thesis contribute to the literature and cases on race, gender and social disparities in the American criminal justice system. It highlights post-arrest, decision-making in courts, wrongful convictions and harsher sentences that Black boys face because of their race. This racial disparity appears to be related to implicit dehumanization of Blacks in America and its criminal legal system as it originates from slavery. Dehumanization of Blacks appears to be related to unique effects on the perception of how America and its criminal justice treat Black boys. The dehumanization of Black children predicts worse outcomes in the criminal justice system as it has now been established how police officers, judges, lawyers and those in power are responsible for criminal justice outcomes of children, such as Black children. The themes in these three historical cases stress the need to strive for rightful treatment and protection for all children, but mostly Black boys. These findings highlight complexities in the intersections of gender with race in the system.

Chapter Nine

Recommendations

There is a systematic issue in the American criminal justice system and in order to see changes, I would recommend policymakers being more involved and informed about evolving best practices that can eliminate or reduce the practice of unequal treatment for Black people in the criminal justice system. Changing policies and practices that dehumanize, mistreat and victimize the Black community. Likewise, investigations and reporting should cover individual cases, as well as situations which indicated a pattern or practice of racial discrimination. Lastly, develop training to reduce racial bias for police officers.

REFERENCES

- Allen, J. (2000). Lynching in America: Confronting the Legacy of Racial Terror. *Equal Justice Initiative*, 3-24.
- Becker, E. (2001, February 9). An ex-theorist on young 'super predators,' Bush aide has regrets. *New York Times*, p. A19.
- Bennett, W. J., Dilulio J.J., & Walters, J.P. (1996). *Body count: Moral poverty--and how to win America's war against crime and drugs*. New York: Simon & Schuster.
- Bernard (1992). Superpredators and Other Myths About Juvenile Delinquency: Historical context of current policies and practices.
- Cole, D. (2001) *No Equal Justice: Race and Class in the American Criminal Justice System*. New York: The New Press. Cottle, C. C., Lee, R. J., & Heilbrun, K. (2001). The prediction of criminals.
- Chermak, S. M. (1995). *Victims in the news: Crime in American news media*. Boulder, CO: Westview Press.
- Corsaro, W. A. (2005). *The Sociology of Childhood*. Thousand Oaks, CA: Pine Forge Press.
- Dovidio, J. F. (2001). *On the nature of contemporary prejudice: The third wave*. Journal of Social Issues, 57, 829–849
- Dewan S. R.A. (2015, January 22). In Tamir Rice Case, Many Errors by Cleveland Police, Then a Fatal One. Retrieved from The New York Times: <https://www.nytimes.com/2015/01/23/us/in-tamir-rice-shooting-in-cleveland-many-errors-by-police-then-a-fatal-one.html>
- Diaz, S. (2014). Black Children are Children: Tamir Rice and the Adultification of Black Bodies. Retrieved from ACLU: <https://www.acluohio.org/archives/blog/posts/black-children-are-children>
- Duru, J. (2005). The Central Park Five, The Scottsboro Boys and the Myth of the Bestial Black Man. 1-41.
- Fox, J.A. (1996). *Trends in juvenile violence: A report to the United States Attorney General on current and future rates of juvenile offending*. Bureau of Justice Statistics: U.S. Department of Justice.

- Forman J Jr. (2012). *Racial critiques of mass incarceration: beyond the New Jim Crow*. N. Y. Univ. Law Rev. 87(1):21–69
- Gamson, W.A., & Modigliani, A. (1987). The changing culture of affirmative action. *Research in Political Sociology*, 3, 137-177.
- Graham, S., & Lowery, B.S. (2004). Priming unconscious racial stereotypes about a adolescent offenders. *Law and Human Behavior*, 28, 483-504.
- Harris, L. T., & Fiske, S. T. (2006). *Dehumanizing the lowest of the low: Neuro-imaging responses to extreme outgroups*. *Psychological Science*, 17, 847–853.
- Howard Winant (2015) Race, ethnicity and social science, *Ethnic and Racial Studies*, 38:13, 2176-2185,
- Jesenia M. Pizarro, P. S. (2007). *Juvenile “Super-Predators” in the News: A Comparison of Adult and Juvenile Homicides*. *Journal of Criminal Justice and Popular Culture*, 84-109.
- Johnson, H.F. (2017). The Pre- Furnman Juvenile Death Penalty in South Carolina: Young Black Life Was Cheap. *South Carolina Law Review Vol. 68*, 331-372.
- Ken Burns (2013). The Central Park Five Documentary.
- Linde, R. (2011). From Rapists to Superpredators: what the practice of capital punishment says about race, rights and the American child. *International Journal of Children’s Rights* 19, 127-150.
- Murakawa N. 2014. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford Univ. Press
- Patton, R. (2019, May 31). Bustle. Retrieved from How Old Were the Central Park 5 Boys When They Were Convicted? The Subjects Of 'When They See Us' Were Just Teenagers: <https://www.bustle.com/p/how-old-were-the-central-park-5-boys-when-they-were-convicted-the-subjects-of-when-they-see-us-were-just-teenagers-17927878>
- Santa Ana, O. (2002). *Brown tide rising: Metaphors of Latinos in contemporary American public discourse*. Austin: University of Texas Press.
- Rovner, J (2016). *Racial Disparities in Youth Commitments and Arrests* <https://www.sentencingproject.org/criminal-justice-facts/>
- Ward, G. K. (2012). *The Black Child Savers: Racial Democracy & Juvenile Justice*. Chicago: The University of Chicago Press.

- Williams, V. (2018, September 21). Washington Post. Retrieved from Innocence erased: How society keeps black boys from being boys:
<https://www.washingtonpost.com/nation/2018/09/21/innocence-denied-blackboys-who-face-harsher-scrutiny-consequences-than-their-white-peers/>
- E. Zimring, F. (2013). American Youth Violence: A Cautionary Tale. *Crime and Justice*, Vol. 42, 265-298